

REMARKS

In view of the above amendment, applicant believes the pending application is in condition for allowance.

The Office Action and prior art relied upon have been carefully considered. In an effort to expedite the prosecution

Claims 12-14 were rejected under 35 USC 102(e) as being anticipated by Seto (US Patent Publication 2001/0002815).

The present amendment to apparatus claims 12-14 includes distinctions of the invention as compared to the prior art. Comparable changes have been made to newly added method claims 15-17.

The Seto reference automatically detects an emergency condition exclusively in the nature of auto theft. The Seto system communicates the theft and conveys vehicle positional data to a help center. However, Seto does not involve manual driver initiation of emergency transmission including vehicle positional data in the event of a personal emergency involving occupants of the vehicle, such as an accident or illness. The manual initiation requires a button to be pressed as explained in the specification. See page 3, lines 10 and 11.

Accordingly, claims 12-17 avoid anticipation on the basis of Seto. Anticipation requires the disclosure, in a prior art reference, of each and every limitation as set forth in the claims. *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 USPQ2d 1081 (Fed. Cir. 1986); *Akzo N.V. v. U.S. International Trade Commissioner*, 1 USPQ2d 1241 (Fed. Cir. 1986). There must be no difference between the claimed invention and reference disclosure for an anticipation rejection under 35 U.S.C. § 102. *Scripps Clinic and Research Foundation v. Genetech, Inc.*, 18 USPQ2d 1001 (Fed. Cir. 1991); *Studiengesellschaft Kohle GmbH v. Dart Industries*, 220 USPQ 841 (Fed. Cir. 1984).

In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185, under Order No. 21900-00037-US from which the undersigned is authorized to draw.

Dated: December 22, 2006

Respectfully submitted,

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